

Document level: Trustwide (TW)
Code: HR3.7
Issue number: 7

Dignity at work policy and procedure

(incorporating bullying, harassment and victimisation)

Lead executive	Director of People OD
Authors details	HR Manager - 01244 393127

Type of document	Policy
Target audience	All CWP staff
Document purpose	To set out the organisations commitment to promoting dignity at work, raise awareness that staff are responsible for their behaviour, provide examples of what constitutes bullying, harassment and victimisation, raise awareness that such behaviour will be treated as a disciplinary offence and describes how staff should get help and make a complaint.

Approving meeting	People and Organisational Development Sub-Committee	Date 1-Sep-17
Implementation date	01-Sept-17	

CWP documents to be read in conjunction with	
HR6 HR3.18 HR3.3 HR3.4 HR14 HR19 CP6 HR16 HR3.8	Mandatory Employee Learning (MEL) policy Capability policy and procedures Trust disciplinary policy and procedure Grievance policy and procedure Guidance on accessing staff support and psychological wellbeing service Supporting staff involving in traumatic events at events The management of challenging behaviour, violence and aggression Conflict resolution and mediation procedure How to raise and escalate concerns within work (incorporating whistleblowing) policy

Document change history	
What is different?	The policy details the procedure for dealing with dignity at work complaints and the stages of informal resolution. All attempts to resolve the situation informally require exhausting before commencing the formal procedure. It also details the available support to both staff and managers.
Appendices / electronic forms	Appendix 1) Examples of Harassment and Bullying Appendix 2) Facilitated Discussion Guidelines Appendix 3) Mediation Information Appendix 4) Dignity at Work Monitoring Form
What is the impact of change?	The policy will try as far as possible to resolve complaints informally to promote a positive working environment.

Training requirements	Yes - Training requirements for this policy are in accordance with the CWP Training Needs Analysis (TNA) with Education CWP.
-----------------------	--

Document consultation	
Clinical Services	Clinical Services Manager
Corporate services	Head of HR, HR Business Partners

External agencies	
-------------------	--

Financial resource implications	None
---------------------------------	------

External references
1.

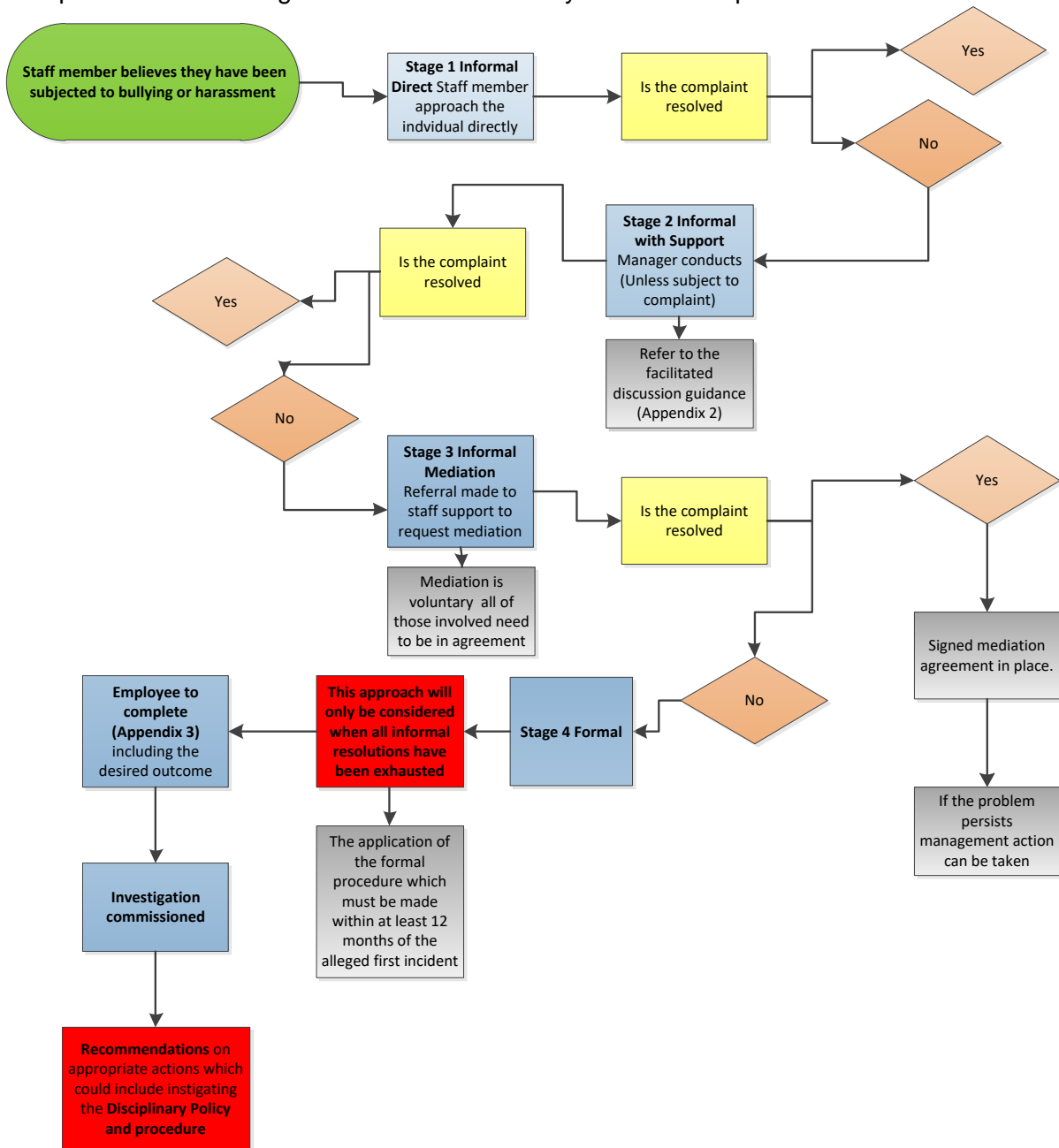
Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Comments
Does this document affect one group less or more favourably than another on the basis of:		
- Race	No	
- Ethnic origins (including gypsies and travellers)	No	
- Nationality	No	
- Gender	No	
- Culture	No	
- Religion or belief	No	
- Sexual orientation including lesbian, gay and bisexual people	No	
- Gender Reassignment	No	
- Pregnancy / Maternity	No	
- Marriage / Civil Partnership	No	
- Age	No	
- Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
Is there any evidence that some groups are affected differently?	No	
If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable? N/A		
Is the impact of the document likely to be negative?	No	
- If so can the impact be avoided?	N/A	
- What alternatives are there to achieving the document without the impact?	N/A	
- Can we reduce the impact by taking different action?	N/A	
Where an adverse or negative impact on equality group(s) has been identified during the initial screening process a full EIA assessment should be conducted.		
If you have identified a potential discriminatory impact of this procedural document, please refer it to the human resource department together with any suggestions as to the action required to avoid / reduce this impact. For advice in respect of answering the above questions, please contact the human resource department.		
Was a full impact assessment required?	No	
What is the level of impact?	Low	

Contents

Quick reference flowchart for dignity at work	4
1. Introduction.....	5
2. Scope of the policy	6
3. Monitoring Effectiveness.....	6
4. Definitions and examples of bullying, harassment and victimisation	6
5. Considerations when Making a Complaint.....	8
6. Advice and Support	8
7. False Allegations	9
8. Process to be followed for raising concerns about bullying, harassment and victimisation.....	9
8.1 Stage 1 - Informal Direct	9
8.2 Stage 2 - Informal with Support.....	10
8.3 Stage 3 - Informal (Mediation).....	10
8.4 Stage 4 - Formal	11
Appendix 1 - Bullying and Harassment	13
Appendix 2 - Facilitated Discussion Guidelines	14
Appendix 3 - Mediation Process	16
Appendix 4 - Dignity at Work Monitoring Form.....	17

Quick reference flowchart for dignity at work

For quick reference the guide below is a summary of actions required.



1. Introduction

Cheshire and Wirral Partnership NHS Foundation Trust (CWP)'s vision is to 'lead in partnership to improve health and wellbeing by providing high quality care. In practice this means that we enable to people we serve to be the best that they can be and wrap our services and support around their needs. This is called person centred and this is our purpose. The way we achieve this purpose is shaped by our values the 6c's Care; Courage; Competence; Compassion; Commitment and Communication. We expect everyone working with us and for us to demonstrate these values in how they behave.

The Trust is committed to promoting a working environment that is free of bullying, harassment and victimisation and where everyone is treated with dignity and respect. All complaints of dignity at work will be treated seriously, treated confidentially and acted upon in accordance with this policy.

The overall purpose of the policy is to create and maintain an environment based on positive working relationships that enable staff and managers to eliminate all forms of bullying, harassment and victimisation. The policy sets out the procedure for raising concerns and resolving these as quickly and effectively as possible.

Staff have the right to enjoy a working environment in which the dignity of the individual is respected. Bullying, harassment and victimisation by any member of staff, or any other person, in any form, are unacceptable behaviours which undermine that dignity and create a hostile and offensive working environment.

All staff are encouraged to report incidents of bullying, harassment and victimisation at the time they occur. The Trust appreciates that it may take a great deal of courage for staff to come forward if they are being, or have witnessed, bullying, harassment and victimisation. However, the Trust wishes to encourage staff to come forward in such instances so that this behaviour can be addressed.

Managers have a duty of care to establish and maintain a healthy and safe working environment that protects the Trust from risk and respects the dignity of the individual and is free from bullying, harassment and victimisation by: Setting standards of conduct or behaviour which are conducive to creating a courteous, helpful and honest environment and ensuring his / her own conduct or behaviour meet these standards.

The Trust is liable for the discriminatory acts of any staff member acting in the course of their employment. This is the case, whether or not the acts are carried out with the Trust's knowledge or approval unless the Trust is able to show it took all reasonably practical steps to prevent the staff member carrying out unlawful discrimination. It should be noted that under the Equality Act 2010 an action need potentially only occur once for it to be considered harassment.

In addition to any claims of harassment being made against the employer, legal action can also be taken under the relevant legislation against the alleged harasser. The Equality Act 2010 also provides that in some circumstances staff will be able to complain of behaviour that they find offensive even if it is not directed to them.

The policy aims to promote the following objectives:

- Each and every staff member has the responsibility for his or her behaviour and to uphold and promote the Trust's expectation of respect for others.
- To enable members of staff to work together effectively and to treat each other with dignity and respect.
- To establish a clear, fair, timely and effective procedure for dealing with any cases of bullying, harassment and victimisation that may arise within the organisation.

- To ensure that all staff are aware of their responsibilities in helping to create a working environment that is free from all forms of bullying, harassment and victimisation.
- To allow all staff to work towards resolving issues (with support where necessary) in order that they can continue to work together effectively.
- To promote a culture where people feel able to speak up.

Where a dignity at work investigation concludes there is a case to answer, the matter will be treated as a potential disciplinary offence, which may lead to dismissal. Such matters will be managed in accordance with the Trust's Disciplinary Policy. Depending on the seriousness of the allegation, it may be necessary to suspend the alleged bully, harasser or victimiser in line with the Trust's [disciplinary policy and procedure](#) at any point throughout the dignity at work investigation.

All reports of bullying, harassment and victimisation will be treated as confidential. However, there may be circumstances where as the employer we are duty bound to investigate and the person raising the issue cannot retain control of the disclosure. Similarly the Trust may need to disclose more than the member of staff would prefer in order to allow a proper investigation to take place and the alleged perpetrator to defend themselves.

2. Scope of the policy

The policy will apply to all staff of the Trust for matters relating to dignity at work. The policy is written with the aim of providing fairness and equity to all staff. No particular group or individual will be disadvantaged on the grounds of race, ethnic origin or nationality, disability, gender, gender reassignment, marital status, age, sexual orientation, trade union activity, religion or belief during the application of this policy.

Complaints raised against doctors will be investigated, if required, in line with the procedures set out in handling concerns about the conduct, capability and health of medical staff and the Trust's disciplinary policy and procedure.

Where an allegation of bullying, harassment and victimisation arises between a member of staff and a person working for and employed by another external NHS organisation, advice should be sought immediately from the Human Resources Department. In such circumstances the Trust will liaise with the external organisation involved in ensuring that they are aware of the complaint but it will be the responsibility of the external organisation to address the dignity at work concerns with their member of staff, using their own internal policy.

3. Monitoring Effectiveness

The results of the annual staff survey will be used to monitor the effectiveness of the policy together with feedback from staff, managers and staff side colleagues. Informal and Formal stages of the procedure will be monitored through HR and used to review the use of the policy.

4. Definitions and examples of bullying, harassment and victimisation

Bullying, harassment and victimisation in the workplace can take many forms. In considering whether harassment has occurred, the Trust will be mindful of the complainant's viewpoint as well as the ACAS guidance in relation to whether the actions or comments are viewed as demeaning and unacceptable. Consideration should therefore be made of not only what actions / conduct did or did not occur but also to consider the potential impact of any such actions on the person making the complaint. The overarching consideration should be: could what has taken place be reasonably considered to have caused offence (ACAS Bullying and Harassment at Work: A Guide for Managers and Employers October 2010). The definitions detailed within the Equality Act 2010 will also be considered in relation to both indirect and direct discrimination and harassment.

Bullying is generally defined as a pattern of persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress. It is the impact on the individual and not the intention of the perpetrator which determines whether the individual feels that bullying has occurred. Bullying is commonly associated with an abuse of power and can involve not just one person but also a group. The policy should try and address all kinds of abuse or intimidation, not just abuse of a subordinate by a manager or supervisor.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- a) physical or psychological threats;
- b) overbearing and intimidating levels of supervision;
- c) inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Harassment is unwanted conduct related to relevant protected characteristics, including sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Third Party Harassment

Employers are potentially liable for harassment of their employees by people (third parties) who are not employees of their organisation. It refers to those over whom the employer does not have direct control such as staff employed by an external contractor or patients and their relatives. Employers will be liable if harassment has occurred on at least two previous occasions and the employer is aware that it has taken place and have not taken 'reasonable steps' to prevent it from happening again. If a member of staff feels that they are being bullied or harassed by a third party they should inform their manager. Prompt action will then be taken to ensure that the employee making the complaint is not placed in a position where further incidents may occur. Where a third party is employed (such as an agency worker) it may be necessary to inform their employer so that appropriate action can be taken.

To assist in the interpretation of these definitions, examples of bullying and harassment, together with a legal context is covered in (Appendix 1).

Victimisation

Victimisation broadly refers to less favorable treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act 2010. It includes situations where someone is victimized because they have raised a complaint or it is suspected that they might make one. If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.

5. Considerations when Making a Complaint

The Trust is strongly opposed to any form of bullying, harassment and victimisation and as such, staff are actively encouraged to report an incident, as early as possible, to ensure that events can be accurately recalled and matters addressed promptly. Whilst in no way designed to discourage a member of staff with a genuine complaint, Staff are first asked to consider very seriously, whether the behaviour which they have experienced does amount to bullying, harassment or victimisation. For example staff should seriously consider whether an:

- argument or a falling out with another member of staff constitutes bullying, harassment or victimisation, or if it is simply a disagreement; and.
- assertive and or reasonable instruction from or a discussion with their manager / supervisor, regarding their behaviour or performance in the workplace, is firm but fair management action' or bullying, harassment or victimisation.

It is recognised that bringing a dignity at work complaint can be a very distressing experience for an individual as well as for those against whom the complaint is made; staff should therefore seriously consider whether their complaint can be dealt with informally in the first instance.

Staff are encouraged to discuss their complaint at the earliest opportunity with their manager, a member of the Human Resources Team or trade union representative.

Where possible staff should feel able to raise an issue immediately (or as soon as possible) with the member of staff who has caused offence and try to resolve the matter informally.

When a manager feels it is necessary to invoke the capability procedure to address performance issues, the Trust recognises that sometimes bullying, harassment and victimisation claims can be made by a member of staff as a counter claim. Behaviour that is considered bullying by one person may be considered firm management by another. A manager's decision to invoke the Trust's [capability policy and procedure](#) will be supported if the reasons for the decision to do so are fair, reasonable and justified. Managers will not be supported where action taken strays into this policy and cannot be justified.

6. Advice and Support

A staff member who feels that he / she is being harassed or bullied may seek confidential advice and support at any time from:

- Their line manager or another, appropriate manager (if subject to the complaint);
- The HR Team
- Workforce Wellbeing Service
- Trade union representative
- Staff may also raise a concern with the Speaking up Guardian particularly where they consider their complaint has not been acted upon locally.

It is recognised that making a complaint, or having a complaint made against you, may be a very stressful experience and therefore the support of the Workforce Wellbeing Service will be available to all involved, at all stages of the procedure.

7. False Allegations

Where, after investigation, it is concluded that concerns of inappropriate behaviour were not made in good faith; the actions may be treated as having being made with malicious intent and dealt with in accordance with the Disciplinary Policy. Where it is concluded that the false allegations were based on a genuine, albeit mistaken belief, the member of staff will be advised of the potentially serious nature of the mistake. It is expected that early discussions with a confidential contact, human resources or staff side representative would reduce the likelihood of false allegations being made.

8. Process to be followed for raising concerns about bullying, harassment and victimisation

8.1 Stage 1 - Informal Direct

The aim will be to deal with any complaint in a non-confrontational manner, resolving it in as short a time as possible and by using an informal approach.

In order for any discussion to be constructive it is suggested that the following information is shared with the alleged harasser / bully.

- 1 Describe the behaviour / conduct which you find offensive,
- 2 Where and when it happened
- 3 Explain how the behaviour makes you feel
- 4 How it affected your work
- 5 Ask for the behaviour to stop, what you want them to do differently in the future
- 6 And then, consider the matter resolved, explain what will happen if the behaviour continues.

The staff member who believes they have been subjected to harassment or bullying should, if they feel able to do so, immediately tell the alleged harasser or bully that their conduct is offensive and they wish it to stop immediately. This is important as individuals are sometimes unaware of the impact of their behaviour / actions.

This approach creates the opportunity to resolve bullying, harassment or victimisation problems quickly and confidentially, without the formality of a formal procedure and is therefore considered more effective at maintaining positive relations in the workplace.

It may be useful for the staff member to keep a diary / log of when the bullying, harassment and victimisation took place including dates and times and names of any witnesses should there be any, as this evidence will be required at a later stage, should this persist.

8.2 Stage 2 - Informal with Support

If the staff member feels unable to confront the alleged harasser or bully, he / she should discuss their concerns with their line manager (unless the manager is the subject of the complaint) or their manager.

A facilitated discussion will be offered to parties who have any issues with each other within the workplace. The discussion may be prompted by one or both of the parties through highlighting the particular issues with either their line manager and / or the Human Resources team.

It is helpful that the line manager or their manager approaches this in one of the following ways referring to the facilitated discussion guidance (Appendix 2).

1. Meeting with the individuals separately to gain a further understanding of the issues and then bringing them both together.
2. Meeting with the individuals together.

Dependant on the detail of the issues the manager needs to decide on the most appropriate route to take. The purpose of these meetings is to discuss the issues raised, listen to the responses and agree a way forward establishing whether there is any substance to the allegation(s).

If as a line manager you are in need of further support in dealing with this part of the process the Workforce Wellbeing Service and Human Resources department are contactable for further guidance.

Timescale – normally within 2 weeks from the initial complaint, if this is not possible the manager is required to keep the complainant informed.

8.3 Stage 3 - Informal (Mediation)

If stage 2 is not successful a referral into Workforce Wellbeing Service to request mediation should be made, ordinarily this should be completed by the manager who has dealt with the issue at stage 2.

The mediator will then make an assessment on whether it can go forward to mediation at that time. If the situation is suitable for mediation then all those involved need to be in agreement and willing to work towards a positive outcome. Mediation is voluntary and discussions are confidential.

Mediation is an alternative method for resolving differences between colleagues. Mediation is a tool that can be used when there is perceived to be a breakdown in a working relationship. Clearly when this first occurs a manager or the individuals involved may be able to resolve the issue, but where the situation persists or deteriorates further, mediation may be helpful. Mediation will not 'fix' every dispute but it can be useful in improving working relationships where there is conflict relating to e.g. disagreements between staff members, personality clashes, bullying and harassment or communication problems.

In agreeing to participate in mediation you are taking an important step towards resolving your dispute. The goal of mediation is to enable staff members to discuss what is happening in the working relationship from their perspective and to work together towards finding a way forward in a manner which all staff members feel is reasonable and in their collective best interests.

8.4 Stage 4 - Formal

When all attempts to resolve the situation informally have been exhausted or it is justifiable that issues cannot be resolved via any of the informal routes (because of the seriousness of the incident(s) it may be necessary and appropriate to proceed straight to stage 4 without the requirement of going through the staged process.

Recourse to the formal procedure should normally be made within at least 12 months of the alleged first incident on the basis that it is difficult to investigate incidents once significant periods of time have lapsed. Any request to invoke the formal procedure beyond this will be considered on a case by case basis by the line manager (or manager's manager if subject to the complaint).

If the member of staff wishes to pursue the matter formally they need to complete a dignity at work monitoring form (Appendix 4) providing as much detail as possible and clearly outlining the resolution you are seeking to resolve the issue. This needs to be sent to their line manager (unless the line manager is subject to the complaint) or their manager. A commissioning manager will then be nominated to make a decision as to whether to proceed with an investigation (when the informal stages have been exhausted and there is a justifiable reason) in line with the disciplinary policy and procedure and toolkit for investigations. They will then oversee the investigation, develop terms of reference and appoint an appropriate investigating officer.

Details of the nature of the complaint need to be provided by the person making the complaint to the investigating officer along with any accompanying evidence or potential witnesses to be interviewed.

The alleged harasser / bully will be given full details of the nature of the complaint and will be given the opportunity to respond.

Pending an investigation and where necessary, arrangements should be made to avoid / minimise contact between the parties involved e.g. reporting arrangements could be changed.

If both parties are unable to work together as a general rule the alleged bully, harasser or victimiser may be temporarily moved. Practical consideration must be made as to whether this is possible taking into account the staff members post but this may not always be possible. In these situations the person making the complaint will be temporarily moved subject to timeframes and a review period. This action should be seen as a neutral act and is not a reflection of any wrong doing by either party. Movement of staff is not always necessary where both parties are willing to continue to work together.

The investigation will involve meeting with the staff member making the complaint, the alleged bully, harasser or victimiser and any witnesses. At all times, staff members should be offered the right to be accompanied at the meeting by a staff side representative, given 5 days' notice of the meetings and reassured of their role within the process.

Following the investigation, it is the responsibility of the investigating officer with guidance sought from human resources to make recommendations on appropriate action to the commissioning manager which may include the matter being considered under the terms of the Trust's [disciplinary policy and procedure](#).

It is the responsibility of the line manager of both individuals to ensure that any recommendations made within the investigating officer's report and supported by the commissioning manager are completed, documented and reviewed accordingly.

Complaints should be dealt with quickly and investigations should be completed within the agreed timescale and no later than 12 weeks from the date the investigation commenced. Any mitigating circumstances which delay the investigation beyond 12 weeks should be explained in the management report.

All parties concerned will be kept up to date by the investigating officer with the progress of the investigation, the likelihood of needing an extension and the anticipated completion date. Where possible, any extension will be with the agreement of both parties. Third party witness statements, interview notes will only be shared if the matter proceeds to a disciplinary hearing, this will be communicated to all parties at the commencement of the investigation.

Once the investigation has been completed, if there is a case to answer a disciplinary hearing may be convened within the scope of the Trusts disciplinary policy. As part of this the management report will be shared with the member of staff the complaint is regarding. When there is no case to answer the investigating officer will arrange to meet separately with the parties in order to provide feedback regarding the outcome of the investigation. Parties will be provided with a written summary of the findings in advance of the meeting and reminded that they have the right to be accompanied by a workplace colleague or trade union representative. Where appropriate parties will be offered mediation.

If a disciplinary hearing is necessary it is normally expected that the member of staff making the complaint attends as a witness to allow natural justice to take place. However, it is recognised that this could cause further stress for the member of staff and therefore where it has been jointly agreed the staff member does not need to attend agreed. In these extreme cases the manager conducting the investigation should ensure that the member of staff is interviewed in-depth and a detailed statement is provided for use at the hearing. If necessary, arrangements for any follow up questions or points of clarification should be made with the member of staff before a final decision is made. This will conclude the dignity at work process.

All actions in respect of the formal procedure will be dealt with in the strictest confidence. The person making the complaint will be kept informed of progress and within the confines of confidentiality will be informed of any action taken. Where it is felt appropriate to refer the case to a disciplinary hearing for consideration the person making the complaint will be informed of this, but to maintain confidentiality, they will not be informed of the outcome of the disciplinary hearing.

Appendix 1 - Bullying and Harassment

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment as defined in the Equality Act 2010 is: Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail)
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, social media and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Appendix 2 - Facilitated Discussion Guidelines

What is a Facilitated Discussion?

Facilitated discussions are future focused. They provide a voluntary process in which a facilitator guides participant in reaching acceptable solutions to the issues they face. The process aims neither to erase what has happened in the past, nor to determine who is right or wrong. It provides individuals with an opportunity to step back and engage in a respectful and confidential discussion where they can, for example:

- Re-establish trust and engage in meaningful communication
- Speak freely and openly about their needs, interests and opinions and understand the other's point of view
- Propose viable and lasting solutions to a conflict
- Negotiate the terms of a verbal agreement

What happens when both parties have agreed to proceed?

Once parties have agreed to proceed with a facilitated discussion, a time, date and venue for the meeting will be communicated. Participants will be encouraged to think about what they will want to discuss at the meeting. The facilitator's goal is to ensure that the participants are ready to listen, understand and collaborate with one another.

What happens during the facilitated discussion?

First the ground rules are set to establish a respectful environment and the parties then have an opportunity to share their experience of the situation without interruption. Next, core issues are defined and prioritized, and the parties engage in a dialogue. Each issue is explored, and the parties are encouraged to be curious about the issues and creative in their resolution. The facilitator will assist the parties in their efforts to hold a respectful and productive conversation. The agreed solutions will be written down and signed by each party.

What happens if the process is not successful?

If a resolution is not reached, then the parties will be encouraged to participate in mediation.

Correspondence

A Facilitated Discussion is an **Informal** process; therefore no records will be kept of the discussion.

Representation

As a Facilitated discussion is an **informal** process offered to staff they do not have the right to be accompanied.

Process

The line manager will facilitate the discussion.

Prior to the actual discussion, the line manager will meet with each party individually to outline the process to be followed and answer any questions the staff member may have.

The discussion should take no longer than 1 hour (excluding breaks), unless agreed by both parties to continue the discussion. The purpose of the meeting is for you both to listen and understand the others point of view in order to develop a mutually agreed way of working together in the future without upset and conflict.

Either party may request a break during the discussion.

As facilitator of the meeting, the line manager will not participate in the discussion other than to encourage a conciliatory atmosphere while ensuring a full disclosure of all pertinent facts through questions on points of clarification and possibly summarising the issues.

Each party will be expected to conduct themselves with restraint and to respect the other persons' point of view. Personal remarks and aggressive behaviour will not be tolerated.

To start the meeting, the line manager will firstly ask the complainant to briefly state their concerns and will advise the other party to remain silent until they have finished their opening remarks.

The line manager will then ask the other party to respond to the concerns as briefly as possible and remind complainant that they should remain silent until the other party has finished.

The line manager will then ask the complainant to state what they hope to accomplish by requesting this meeting and what they expect as a fair and just resolution.

The other party will then state their view of the complainants' concerns, explain their position and offer what they feel is a fair and just resolution to the matter.

If neither party agrees to the resolution and will not agree to compromise their differences, the line manager will ask them both to try one more time to reach an agreement. If no agreement is reached the matter will proceed to the next stage of the policy.

If both parties are able to reach an agreement on a way forward, if required by the parties, the line manager will confirm the outcome of the discussion in writing following the meeting.

Appendix 3 - Mediation Process

Prior to mediation

Prior to mediation you will meet with the mediator who will be facilitating your mediation for a one-to-one meeting. This meeting will take up to one hour. This is an important meeting as it will give you an opportunity to meet the mediator, explain the issues you want to bring to mediation, and have the opportunity to explore any concerns you may have about the process. During this time the mediator will explain their own role in the proceedings and also explain the 'Three Rules' of mediation namely;

- The boundaries of confidentiality will be agreed at the start of the mediation meeting
- Neither staff member will interrupt the other
- Each disputant will agree to treat each other in a respectful manner

The mediator

A trained mediator will act impartially to help parties involved in a dispute talk about their situation, exchange concerns and develop ideas about how to move the dispute forward. Their role is to hold the boundaries of the mediation so that each disputant has an opportunity to speak and express their concerns. The mediator is impartial and is not there to impose a solution on the staff members but rather to enable them to explore areas of concern and to see if they can come up with solutions to move the relationship forward.

In seeking to improve the working relationship, the mediator will help the staff members to focus on the future and not on the past. Where the mediator has concerns about a staff member or feels that as the mediation is progressing that the situation is 'unmediatable', they will draw the meeting to a close. If no agreement is reached the matter will proceed to the next stage of the policy.

What happens in a mediation session?

The staff members will need to allow up to one and a half hours for their one to one appointment. The mediation meeting, for all those concerned, could take up to three hours to complete. The mediation will begin with an opportunity for each participant to explain what is happening within the working relationship from their own perspective. There will be an open discussion where the mediator will help the staff members to clarify the key issues and to explore ways of moving the working relationship forward.

If agreements are made, the mediator will write these down and give a copy to each staff member to sign and keep. A copy is normally given to the manager who initiated the mediation. This signed agreement is not legally binding but rather an indication of the goodwill and commitment each individual has put into the mediation process.

Furthermore, if the problem persists and this affects the running of the department, management action may still have to be taken this may include re-visiting the original mediation agreement.

Appendix 4 - Dignity at Work Monitoring Form

PRIVATE AND CONFIDENTIAL

Part 1 The individual will complete this form to record cases of alleged harassment or bullying.

Service line	
Team/Department	
Name of person making the complaint	
Job title (of person making the complaint)	
Date	
Signature	
Line Manager (unless subject to complaint) or Manager reported to	
Job title	
Name of alleged harasser / bully	
Job Title	

Desired Outcome / resolution (action may include agreement for behavior to stop, management action which may include monitoring, counselling or other interventions or formal proceedings under Disciplinary.)	
Details of specific incident(s) with date(s) (please ensure this is fully detailed within the form)	
Informal Action taken – Direct, Direct with support or mediation (please provide detail)	
Has the issue been resolved yes no (if no complete part 2 of the form)	

Please return part 1 to: Your Line Manager (unless subject to the complaint) or Manager reported to commission investigation (copy to HR).

Part 2 Line Manager (unless subject to complaint) or Manager's manager

Have you been notified of who will investigate the complaint? <input type="checkbox"/> No / <input type="checkbox"/> Yes (if yes, please provide name of investigating officer):
Date of completion of investigation report and recommendations made?